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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/668,075	09/22/2003	Stephen A. Mamchur	4021.001	1250	
7590 09/12/2007 ARMSTRONG, KRATZ, QUINTOS HANSON & BROOKS, LLP Intellectual Property Law Offices 502 Washington Avenue, Suite 220			EXAMINER		
			GEORGE, KONATA M		
			ART UNIT	PAPER NUMBER	
Towson, MD 2		1616			
	:		MAIL DATE	DELIVERY MODE	
			09/12/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary    Toronto   Examiner   Art Unit   Konsta M. George   1616		Application No.	Applicant(s)					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address   Period for Reply	Office Action Occurrence	10/668,075	MAMCHUR, STEPHEN A.					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Bedrained of them may be available used the provision of 37 CFT 1.18(i), in a event, however, may a reply be be limited in the 180 of the provision of the provision of 37 CFT 1.18(i), in a event, however, may a reply be limited in the 180 of t	Office Action Summary	Examiner	Art Unit					
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of mem myb a variable under the provides of 37 ERT 1.13(a). In no evert, however, may a reply be timely find after SIX (b) MONTIS from the mailing date of this communication.  Failus to reply within the stor createded prinds for review like y status, cause the supplication of the provided prints of the communication.  Failus to reply received by the Office ster than rhere months after the mailing date of this communication, even if timely field, may reduce any seamed patter than digitalment. See 37 CFR 1.70(b).  Status  1) Responsive to communication(s) filed on		ears on the cover sheet wi	th the correspondence ad	ldress				
1) Responsive to communication(s) filed on	<ul> <li>WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any</li> </ul>							
2a)  This action is FINAL. 2b)  This action is non-final.  3	Status		•					
3   Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4   Ciaim(s) 27-122 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5   Claim(s) is/are allowed. 6   Claim(s) is/are allowed. 7   Claim(s) is/are objected to. 8   Claim(s) is/are objected to. 8   Claim(s) is/are objected to perfect on and/or election requirement.  Application Papers  9   The specification is objected to by the Examiner. 10   The drawing(s) filed on is/are: a)   accepted or b)   objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11   The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12   Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)   All   b)   Some * c)   None of: 1   Certified copies of the priority documents have been received. 2   Certified copies of the priority documents have been received in Application No 3   Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.    Attachment(s)   International Discourse Statements's (PTO-980)   Notice of Informal Patent Application	1) Responsive to communication(s) filed on	_·						
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Application/Control Number: 10/668,075

Art Unit: 1616

## **DETAILED ACTION**

Claims 27-122 are pending in this application.

## Restriction Requirement

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 27-80 and 92-122, drawn to liquid concentrated hormone, classified in class 424, subclass 400.
- Claims 81-91, drawn to powdered concentrated hormone composition, classified in class 424, subclass 489.

The inventions are independent or distinct, each from the other because:

Inventions I and II are directed to related products. The related inventions are distinct if the (1) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect; (2) the inventions do not overlap in scope, i.e., are mutually exclusive; and (3) the inventions as claimed are not obvious variants. See MPEP § 806.05(j). In the instant case, the inventions as claimed are related with respect to function, i.e. a concentrated hormone composition; however, they are mutually exclusive because they have different physical forms. Group I is directed to a concentrated hormone composition in a liquid form and Group II is directed to a concentrated hormone composition in a powdered form. Furthermore, the inventions as claimed do not encompass overlapping subject matter and there is nothing of record to show them to be obvious variants.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

A telephone call was made to Robert Gamson on August 18, 2007 to request an oral election to the above restriction requirement, but did not result in an election being made.

## Telephone Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Konata M. George, whose telephone number is 571-272-0613. The examiner can normally be reached from 8:00AM to 6:30PM Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann R. Richter, can be reached at 571-272-0646. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <a href="http://pair-direct.uspto.gov">http://pair-direct.uspto.gov</a>. Should you have question on access to the Private Pair system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Konata M. George Patent Examiner Art Unit 1616

Johann R. Richter

Supervisory Patent Examiner

Art Unit 1616

SHELLEY A. DODSON PRIMARY EXAMINED

[i